

---

---

# A BILL FOR AN ACT

RELATING TO THE DISCLOSURE OF VITAL STATISTICS RECORDS TO LAW  
ENFORCEMENT OFFICERS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Section 338-18, Hawaii Revised Statutes, is  
2 amended by amending subsection (b) to read as follows:

3           "(b) The department shall not permit inspection of public  
4 health statistics records, or issue a certified copy of any such  
5 record or part thereof, unless it is satisfied that the  
6 applicant has a direct and tangible interest in the record. The  
7 following persons shall be considered to have a direct and  
8 tangible interest in a public health statistics record:

- 9           (1) The registrant;
- 10          (2) The spouse of the registrant;
- 11          (3) A parent of the registrant;
- 12          (4) A descendant of the registrant;
- 13          (5) A person having a common ancestor with the registrant;
- 14          (6) A legal guardian of the registrant;
- 15          (7) A person or agency acting on behalf of the registrant;
- 16          (8) A personal representative of the registrant's estate;

- 1 (9) A person whose right to inspect or obtain a certified  
2 copy of the record is established by an order of a  
3 court of competent jurisdiction;
- 4 (10) Adoptive parents who have filed a petition for  
5 adoption and who need to determine the death of one or  
6 more of the prospective adopted child's natural or  
7 legal parents;
- 8 (11) A person who needs to determine the marital status of  
9 a former spouse in order to determine the payment of  
10 alimony;
- 11 (12) A person who needs to determine the death of a  
12 nonrelated co-owner of property purchased under a  
13 joint tenancy agreement; [~~and~~]
- 14 (13) A person who needs a death certificate for the  
15 determination of payments under a credit insurance  
16 policy[-]; and
- 17 (14) A law enforcement officer of the State or a county  
18 agency who requires a birth certificate or death  
19 certificate as evidence in a criminal investigation,  
20 if the law enforcement officer requesting the birth  
21 certificate or death certificate provides  
22 identification and submits to the department a signed

- 1           statement verifying, under penalty of criminal
- 2           prosecution for false swearing in official matters:
- 3           (A) That the officer is a law enforcement officer of
- 4           the State or a county;
- 5           (B) That the officer is acting in the officer's
- 6           official capacity; and
- 7           (C) That the birth certificate or death certificate
- 8           is needed as evidence in a criminal
- 9           investigation.

10           For purposes of this paragraph, "law enforcement  
11           officer" means an employee of the State or county, or  
12           subdivisions thereof, vested by law with a duty to  
13           maintain public order or to make arrests for offenses  
14           or to enforce the criminal laws of the State, whether  
15           that duty extends to all offenses or is limited to a  
16           specific class of offenses."

17           SECTION 2. Statutory material to be repealed is bracketed  
18 and stricken. New statutory material is underscored.

19           SECTION 3. This Act shall take effect on July 1, 2050.

**Report Title:**

Vital Statistics Records; Disclosure

**Description:**

Authorizes the department of health to provide birth and death certificates to State and county law enforcement officers to facilitate criminal investigations. Effective 7/1/2050. (SD1)